

10/01/2020

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

## PLAINTIFFS

BRENDAN PICHA and MAX J. HASTINGS

## DEFENDANTS

GEMINI TRUST COMPANY, LLC, TYLER WINKLEVOSS and CAMERON WINKLEVOSS

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Kim & Serritella LLP, 110 W. 40th Street, 10th Floor, New York, NY 10018  
(212) 951-1230

## ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

15 U.S.C. §§ 77e(a), 77e(c), 77(o), 78cc, 78e, §78j, 78o, 78t, 77l(a)(1) and related statutes; securities fraud; unregistered offer and sale of securities; unregistered exchange and broker-dealer; common law claims

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No  Yes  Judge Previously Assigned

If yes, was this case Vol.  Invol.  Dismissed. No  Yes  If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

## IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes 

(PLACE AN [x] IN ONE BOX ONLY)

## NATURE OF SUIT

		TORTS	ACTIONS UNDER STATUTES			
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>	
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 367 HEALTHCARE/	[ ] 625 DRUG RELATED	[ ] 422 APPEAL	[ ] 375 FALSE CLAIMS	
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[ ] 376 QUI TAM	
[ ] 130 MILLER ACT	LIAIBILITY	[ ] 365 PERSONAL INJURY	21 USC 881	[ ] 423 WITHDRAWAL	[ ] 400 STATE	
[ ] 140 NEGOTIABLE INSTRUMENT	[ ] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	[ ] 690 OTHER	28 USC 157	REAPPORTIONMENT	
[ ] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[ ] 330 FEDERAL EMPLOYERS' LIABILITY	ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	<b>PROPERTY RIGHTS</b>		[ ] 410 ANTITRUST	
[ ] 151 MEDICARE ACT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>	[ ] 820 COPYRIGHTS	[ ] 880 DEFEND TRADE SECRETS ACT	[ ] 430 BANKS & BANKING	
[ ] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[ ] 345 MARINE PRODUCT LIABILITY	[ ] 370 OTHER FRAUD	[ ] 830 PATENT	[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION	[ ] 450 COMMERCE	
[ ] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	[ ] 840 TRADEMARK		[ ] 460 DEPORTATION	
[ ] 160 STOCKHOLDERS SUITS	[ ] 355 MOTOR VEHICLE PRODUCT LIABILITY			<b>SOCIAL SECURITY</b>	[ ] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)	
[ ] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY		[ ] 360 OTHER PERSONAL INJURY	<b>LABOR</b>	[ ] 861 HIA (1395ff)	[ ] 480 CONSUMER CREDIT	
[ ] 195 FRANCHISE	ACTIONS UNDER STATUTES	[ ] 362 PERSONAL INJURY - MED MALPRACTICE	[ ] 380 OTHER PERSONAL PROPERTY DAMAGE	[ ] 862 BLACK LUNG (923)	[ ] 485 TELEPHONE CONSUMER PROTECTION ACT	
	CIVIL RIGHTS		[ ] 385 PROPERTY DAMAGE	[ ] 863 DIWC/DIWV (405(g))		
			PRODUCT LIABILITY	[ ] 864 SSID TITLE XVI		
				[ ] 865 RSI (405(g))		
<b>REAL PROPERTY</b>		<b>PRISONER PETITIONS</b>				
[ ] 210 LAND CONDEMNATION		[ ] 463 ALIEN DETAINEE	[ ] 710 FAIR LABOR STANDARDS ACT	<b>FEDERAL TAX SUITS</b>	[ ] 490 CABLE/SATELLITE TV	
[ ] 220 FORECLOSURE		[ ] 510 MOTIONS TO VACATE SENTENCE	[ ] 720 LABOR/MGMT RELATIONS		[ ] 850 SECURITIES/ COMMODITIES/ EXCHANGE	
[ ] 230 RENT LEASE & EJECTMENT		28 USC 2255	[ ] 740 RAILWAY LABOR ACT		[ ] 890 OTHER STATUTORY ACTIONS	
[ ] 240 TORTS TO LAND		[ ] 530 HABEAS CORPUS	[ ] 751 FAMILY MEDICAL LEAVE ACT (FMLA)		[ ] 891 AGRICULTURAL ACTS	
[ ] 245 TORT PRODUCT LIABILITY		[ ] 535 DEATH PENALTY	[ ] 790 OTHER LABOR LITIGATION		[ ] 893 ENVIRONMENTAL MATTERS	
[ ] 290 ALL OTHER REAL PROPERTY		[ ] 540 MANDAMUS & OTHER	[ ] 791 EMPL RET INC SECURITY ACT (ERISA)		[ ] 895 FREEDOM OF INFORMATION ACT	
					[ ] 896 ARBITRATION	
					[ ] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	
					[ ] 950 CONSTITUTIONALITY OF STATE STATUTES	

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?

IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint

JURY DEMAND:  YES  NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

- |   |   |  |   |  |   |   |
|---|---|--|---|--|---|---|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from (Specify District) | <input type="checkbox"/> 6 Multidistrict Litigation (Transferred) | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge |
|   |   |  |   |  |   | <input type="checkbox"/> 8 Multidistrict Litigation (Direct File)         |
| <input type="checkbox"/> a. all parties represented       |   |  |   |  |   |   |
| <input type="checkbox"/> b. At least one party is pro se. |   |  |   |  |   |   |

(PLACE AN X IN ONE BOX ONLY)

- 1 U.S. PLAINTIFF     2 U.S. DEFENDANT     3 FEDERAL QUESTION     4 DIVERSITY  
(U.S. NOT A PARTY)

**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.****CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [ ] 1	DEF [ ] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF [ ] 3	DEF [ ] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [ ] 5	DEF [ ] 5
CITIZEN OF ANOTHER STATE	[ ] 2	[ ] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] 4	[ ] 4	FOREIGN NATION	[ ] 6	[ ] 6

**PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)**

Kim & Serritella LLP  
 110 W. 40th Street, 10th Floor  
 New York, NY 10018  
 (212) 951-1230

**DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)**

Gemini Trust Company, LLC  
 600 Third Avenue, 2nd Floor  
 New York, NY 10016

**DEFENDANT(S) ADDRESS UNKNOWN**

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Tyler Winklevoss and Cameron Winklevoss

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO:     WHITE PLAINS     MANHATTAN

/s/ James R. Serritella  
 DATE 12/27/2022  
 SIGNATURE OF ATTORNEY OF RECORD  
 RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT  
 [ ] NO  
 YES (DATE ADMITTED Mo. 2 Yr. 2009)  
 Attorney Bar Code #4630398

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)